

# House Joint Resolution 2012 - Introduced

HOUSE JOINT RESOLUTION 2012  
BY ROBERTS

## HOUSE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution  
2 of the State of Iowa relating to the number of supreme  
3 court justices and the nomination and appointment of such  
4 justices.  
5 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. The following amendment to the Constitution of  
2 the State of Iowa is proposed:

3 1. Section 2 of Article V of the Constitution of the State  
4 of Iowa is amended beginning July 1, 2013, to read as follows:

5 **Supreme court.** SEC. 2. The Supreme Court shall consist of  
6 ~~three~~ nine Judges, ~~two~~ five of whom shall constitute a quorum  
7 to hold Court.

8 Each judicial district shall have a resident appointed to  
9 the Supreme Court, and there shall be at least one appointment  
10 to the Supreme Court from a resident statewide without regard  
11 to judicial district residency. A Supreme Court Judge must  
12 remain a resident of the judicial district of appointment  
13 during the entire term of office unless the appointment  
14 is statewide. Each Supreme Court Judge shall be retained  
15 statewide.

16 2. Section 16, unnumbered paragraph 1, of Article V of the  
17 Constitution of the State of Iowa is amended beginning July 1,  
18 2013, to read as follows:

19 There shall be a State Judicial Nominating Commission. Such  
20 Commission shall make nominations to fill vacancies in the  
21 Supreme Court from resident nominees of each judicial district  
22 and as otherwise provided on a statewide basis. Until July  
23 4, 1973, and thereafter unless otherwise provided by law, the  
24 State Judicial Nominating Commission shall be composed and  
25 selected as follows: There shall be not less than three nor  
26 more than eight appointive members, as provided by law, and an  
27 equal number of elective members on such Commission, all of  
28 whom shall be electors of the state. The appointive members  
29 shall be appointed by the Governor subject to confirmation  
30 by the Senate. The elective members shall be elected by the  
31 resident members of the bar of the state. The judge of the  
32 Supreme Court who is senior in length of service on said Court,  
33 other than the Chief Justice, shall also be a member of such  
34 Commission and shall be its chairman.

35 Sec. 2. REFERRAL AND PUBLICATION. The foregoing amendment

1 to the Constitution of the State of Iowa is referred to the  
2 General Assembly to be chosen at the next general election  
3 for members of the General Assembly, and the Secretary of  
4 State is directed to cause the same to be published for three  
5 consecutive months previous to the date of that election as  
6 provided by law.

7 EXPLANATION

8 This joint resolution relates to the nomination,  
9 appointment, and number of supreme court justices.

10 The resolution proposes an amendment to the Constitution of  
11 the State of Iowa setting the number of supreme court justices  
12 at nine justices. The Constitution currently authorizes the  
13 general assembly to establish the number of supreme court  
14 justices in Article V, Section 10, as long as the number of  
15 justices does not fall below three as provided in Article  
16 V, Section 2. Under the authority of the Constitution, the  
17 general assembly established the number of supreme court  
18 justices at seven in Code section 602.4101.

19 The resolution requires that each judicial district have a  
20 resident appointed to the supreme court, and requires at least  
21 one appointment to the supreme court from a resident statewide  
22 without regard to judicial district residency. The resolution  
23 also requires a supreme court judge to remain a resident of  
24 the judicial district of appointment during the entire term of  
25 office unless the appointment is statewide. Current law does  
26 not place a residency requirement on supreme court justices  
27 other than the requirement to be a resident of the state.

28 The resolution requires a nominee for appointment to the  
29 supreme court to be a resident of the judicial district unless  
30 the nomination is for a statewide appointment regardless of  
31 judicial district residency. Article V, Sections 15 and 16 of  
32 the Constitution require the governor to appoint the supreme  
33 court justice from the list of nominees submitted by the state  
34 judicial nominating commission.

35 The resolution specifies that each supreme court justice

1 shall be retained in office statewide.

2 Article XII, Section 1 of the Constitution requires the  
3 general assembly to pass all laws necessary to effectuate the  
4 provisions of the Constitution.

5 The resolution, if adopted, would be referred to the next  
6 General Assembly (Eighty-fourth) for adoption before the  
7 amendment is submitted to the electorate for ratification.

8 The resolution becomes effective July 1, 2013, if ratified  
9 by the electorate.